

ORDINANCE _____

AN ORDINANCE relating to land use and zoning; amending Seattle Municipal Code Sections 23.47.004, 23.47.008, 23.47.009, 23.47.012, 23.47.024, 23.54.015 and 25.05.675 to modify development standards for residential use in commercial zones within the University District Northwest Urban Center Village, and making minor corrections to Sections 23.47.012 A and 25.05.675 M.

WHEREAS, the City has provided significant funds to promote the economic revitalization of the University District Northwest Urban Center Village (UDNUCV) including transportation and infrastructure improvements, public safety enhancements and acquisition of additional open space for parks; and

WHEREAS, the University Community Urban Center (UCUC) Neighborhood Plan directs the City to provide housing for a mix of demographic and income groups; to establish a vibrant, cohesive, mixed-use neighborhood between NE 43rd Street, NE 50th Street, Brooklyn Avenue NE, and Roosevelt Avenue NE; and to direct the highest density housing to mixed use areas and proximity to transit corridors; and

WHEREAS, the UCUC Neighborhood Plan directs the City to develop parking strategies to accommodate all UCUC residents while minimizing impacts on residential streets; and

WHEREAS, the 2003 "University District Market Analysis" (UDMA) report undertaken at the request of the City Council, has identified a variety of strategies that could help stimulate the development of new market rate rental and for-sale housing units in the UDNUCV; and

WHEREAS, the UDMA report concludes that the provision of additional urban housing, including rental and homeownership housing, will increase the number of full-time residents, bring increased neighborhood stability and investment, and will establish additional market opportunities for retail and service businesses; and

WHEREAS, the UDNUCV is one of the City's major employment areas and additional housing is needed to ensure a proper jobs-housing balance in the area; and

WHEREAS, the UDNUCV offers excellent high capacity transit service, including a proposed light rail station, and well developed infrastructure to accommodate additional housing that will balance projected growth in employment; and

WHEREAS, the number of housing units created in the UDNUCV over the last eight years represent only approximately 32% of the University Center Urban Center's (UCUC) ten-year growth target for housing production; and

1 WHEREAS, new strategies can assist in helping the UDNUCV meet or exceed its ten year
2 growth target and will also complement other improvements already underway in the
UDNUCV thus bringing increased economic activity to the UDNUCV; and

3 WHEREAS, the Council finds that the proposed amendments will promote the health, safety and
4 welfare of the general public; NOW, THEREFORE,

5 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

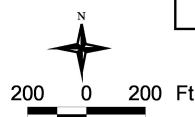
6 Section 1. Map 23.47.004 B of Subsection E of Section 23.47.004 of the Seattle
7 Municipal Code, which Section was last amended by Ordinance 121196, is amended to show
8 Area B as follows:
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University Community Urban Center

Area A  Single-purpose residential development permitted outright.

Area B  Single-purpose residential development permitted outright and is not subject to density limits or upper-level setbacks pursuant to 23.47.008 and 23.47.009.



Map 23.47.004 B

No warranties of any sort, including accuracy, fitness, or merchantability accompany this product.

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 Prepared August 16, 2004 by DPD-GIS

Section 2. Subsection D of Section 23.47.008 of the Seattle Municipal Code, which
Section was last amended by Ordinance 121018, is amended as follows:

23.47.008 Mixed use development.

* * *

D. Above thirteen (13) feet from finished grade, the residential portion of a structure containing residential and nonresidential uses shall be limited to a maximum lot coverage of sixty-four (64) percent. Portions of structures exempted from structure width as provided in Section 23.86.014 C shall also be exempt from lot coverage calculations. If the nonresidential and residential uses are located in separate structures, this provision shall apply only to the portion of the residential structure more than thirteen (13) feet above finished grade. This provision shall not apply when an area in an existing building, in nonresidential use as of April 3, 1995, is converted to residential use, provided that the structure is not modified in any way that increases the coverage to greater than sixty-four (64) percent of the portion of the structure in residential use and over thirteen (13) feet above finished grade. This subsection D does not apply within the Station Area Overlay District, Chapter 23.61, or within Area B as shown on Map 23.47.004 B in Section 23.47.004.

* * *

Section 3. Subsection B of Section 23.47.009 of the Seattle Municipal Code, which
Section was last amended by Ordinance 121476, is amended as follows:

23.47.009 Density limits for residential uses.

* * *

B. Density limits shall not apply to single-purpose residential structures within the Station Area Overlay District pursuant to Chapter 23.61, within Area B shown in Map 23.47.004 B of Section 23.47.004, ((or)) along selected streets in the Pike/Pine Overlay District, pursuant to Chapter 23.73, or ((and)) for Seattle Housing Authority structures permitted pursuant to Section 23.47.004 E1g((e)). Where the Station Area Overlay District and the Pike/Pine Overlay District overlap, the provisions of the Pike/Pine Overlay District shall prevail.

* * *

Section 4. Section 23.47.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 121359, is amended as follows:

23.47.012 Structure height and floor area ratio

A. Maximum Height. The maximum structure height for commercial zones shall be thirty (30) feet, forty (40) feet, sixty-five (65) feet, eighty-five (85) feet, one hundred twenty-five (125) feet, or one hundred sixty (160) feet, as designated on the Official Land Use Map, Chapter 23.32, except that:

1. Within the South Lake Union Hub Urban Village, the maximum structure height in commercial zones with sixty-five (65) foot and eighty-five (85) foot height limits may be increased to eighty-five (85) feet and one((-)) hundred ((and)) five (105) feet, respectively, provided that:

a. a minimum of two (2) floors in the structure have a floor to floor height of at least fourteen (14) feet; and

b. the additional height is used to accommodate mechanical equipment;
and

c. the additional height permitted does not allow more than six (6) floors in commercial zones with a sixty-five (65) foot height limit, or more than seven (7) floors in commercial zones with an eighty-five (85) foot height limit.

2. For lots within the designated areas shown on Map A, the maximum structure height in commercial zones with a sixty-five (65) foot height limit may be increased, at the applicant's option, to eighty-five (85) feet, provided that:

a. The structure contains an amount of gross floor area in residential use at least equal to the amount of gross floor area enabled by the additional height.

b. The residential use must include no fewer than:

(1) Four (4) percent of all residential units for sale or rent to households earning no more than sixty (60) percent of the annual family median income for the Seattle-Bellevue-Everett Primary Metropolitan Statistical Area, as published from time to time by the Department of Housing and Urban Development (HUD), and as adjusted for household size according to the method used by HUD for income limits in subsidized housing; or

(2) Six (6) percent of all residential units for sale or rent to households earning no more than sixty-five (65) percent of the annual family median income; or

(3) Eight (8) percent of all residential units for sale or rent to households earning no more than seventy (70) percent of the annual family median income; or

(4) an equivalent combination of the above proportions; and

c. For purposes of this subsection:

1 (1) fractions of housing units required to serve households up to
2 the specified income level are rounded down to the nearest whole number for fractions up to 0.5
3 and rounded up for fractions above 0.5; and

4 (2) a housing unit must serve households meeting the income
5 criteria for a minimum of fifty (50) years from the date a certificate of occupancy is issued; and

6 (3) the calculation of a structure's gross floor area shall exclude
7 area used for mechanical equipment;

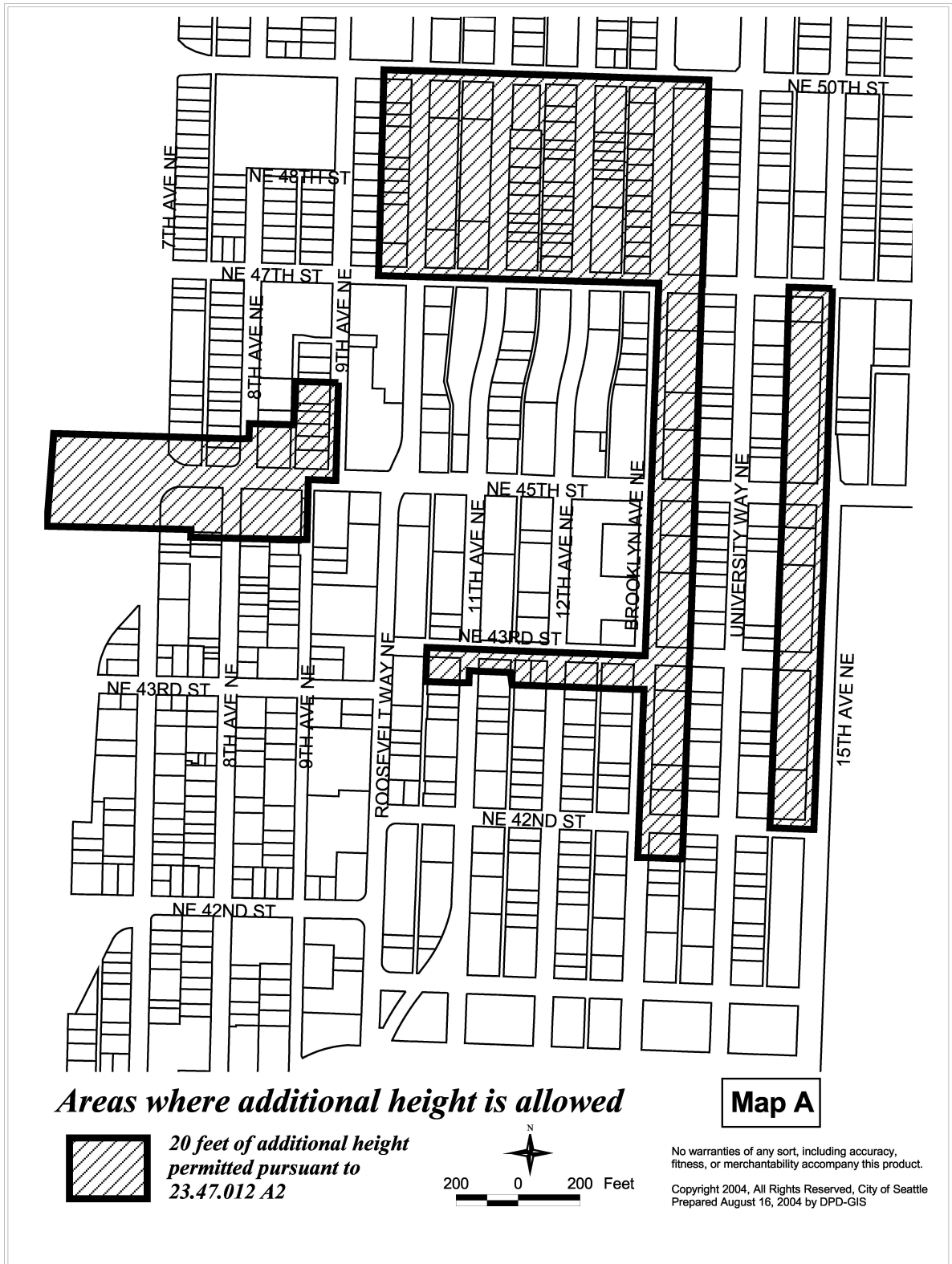
8 d. The housing unit(s) and the structure in which it is located are
9 maintained in a decent and habitable condition;

10 e. The Director of the Office of Housing is authorized to adopt rules to
11 interpret or clarify the provisions of this subsection.

12 ((2))3. Mixed use structures located in commercial zones with a thirty (30) foot
13 or forty (40) foot height limit may exceed the height limit of the zone according to the provisions
14 of Section 23.47.008.

15 ((3))4. Monorail transit facilities may exceed the height limit of the zone
16 according to the provisions of Section 23.80.004 or Section 15.54.020.

17 * * *



Section 5. Subsection B of section 23.47.024 of the Seattle Municipal Code, which
Section was last amended by Ordinance {*First Hill Housing Legislation*}, is amended as follows:

23.47.024 Open space and residential amenity area standards.

* * *

B. Within the First Hill Urban Center Village and the University District Northwest
Urban Center Village, subsection A does not apply. Instead, residential amenity areas are
required in an amount equal to ten (10) percent of the total gross floor area in residential use up
to a maximum requirement equal to fifty (50) percent of the lot area. Calculation of gross floor
area, for the purposes of this subsection, excludes area used for mechanical equipment, accessory
parking and unenclosed decks or balconies.

1. Eligible residential amenity areas include: decks, balconies, terraces, solaria,
greenhouses, roof gardens, community rooms, exercise rooms, plazas, courtyards and other
similar amenities.

2. Residential amenity area must meet the following:

- a. A maximum of fifty (50) percent of the area may be enclosed;
- b. The area is available to all residents;
- c. The minimum horizontal dimension for an area is fifteen (15) feet, and
no area can be less than two hundred twenty-five (225) square feet;
- d. Parking areas, driveways, and pedestrian access to building entrances,
except for pedestrian access meeting the Seattle Building Code, Chapter 11 – Accessibility, are
not counted as residential amenity area.

1 3. A maximum of fifty (50) percent of the required residential amenity area may
2 be provided off-site in a manner that in the Director's judgment provides a reasonable substitute
3 for the amenity space that would have been provided on-site, or an applicant may make a
4 payment to the City in lieu of providing the amenity area, if the Director determines:

5 a. The payment is comparable to the cost of providing the equivalent
6 residential amenity space on-site;

7 b. The improvement or land acquisition funded by the payment is located
8 within sufficient proximity to benefit the residents of the project to be served by the amenity; and
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10 c. The improvement or land acquisition funded by the payment will occur
11 within an appropriate time.
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13 4. The Director is authorized to adopt rules to establish standards for the
14 interpretation of subsection 3 as well as for the design and construction of improvements to be
15 funded by in lieu of payments.
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17 Section 6. A new subsection "Multifamily uses, when within the University District
18 Northwest Urban Center Village" is added and subsection "Multifamily uses, for development
19 sites that contain a total of 10 or fewer dwelling units, all in ground-related structures" of Chart
20 A to Section 23.54.015 of the Seattle Municipal Code, which section was last amended by
21 Ordinance {*First Hill Housing Legislation*}, is amended as follows:
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**Chart A
for Section 23.54.015
PARKING**

Use	Parking Requirements
Multifamily uses, for development sites that contain a total of 10 or fewer dwelling units, all in ground-related structures, <u>except within the University District Northwest Urban Center Village</u>	1 space for each dwelling unit

<u>Multifamily uses, when within the University District Northwest Urban Center Village</u>	<u>1 space for each dwelling unit with 3 or fewer bedrooms, plus .25 spaces for each additional bedroom</u>
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Section 7. Section 25.05.675 of the Seattle Municipal Code, which Section was last amended by Ordinance {*First Hill Housing Amendments*}, is amended as follows:

25.05.675 Specific environmental policies.

* * *

M. Parking.

1. Policy Background.

a. Increased parking demand associated with development projects may adversely affect the availability of parking in an area.

b. Parking regulations to mitigate most parking impacts and to accommodate most of the cumulative effects of future projects on parking are implemented through the City's Land Use Code. However, in some neighborhoods, due to inadequate off-street parking, streets are unable to absorb parking spillover. The City recognizes that the cost of providing additional parking may have an adverse effect on the affordability of housing.

2. Policies.

a. It is the City's policy to minimize or prevent adverse parking impacts associated with development projects.

b. Subject to the overview and cumulative effects policies set forth in SMC Sections 25.05.665 and 25.05.670, the decisionmaker may condition a project to mitigate the effects of development in an area on parking; provided that:

i. No SEPA authority is provided to mitigate the impact of development on parking availability in the downtown zones;

ii. In the Seattle ((~~Cascade~~)) Mixed (S((~~C~~))M) zone and for residential uses located within the Pike/Pine Overlay District, the University District Northwest Urban Center Village or the First Hill Urban Center Village, no SEPA authority is provided for the decisionmaker to require more parking than the minimum required by the Land Use Code;

iii. Parking impact mitigation for multifamily development, except in the Alki area, as described in subsection M2c below, may be required only where on-street parking is at capacity, as defined by Seattle Transportation or where the development itself would cause on-street parking to reach capacity as so defined.

1 c. For the Alki area, as identified on Exhibit 2, a higher number of spaces
2 per unit than is required by SMC Section 23.54.015 may be required to mitigate the adverse
3 parking impacts of specific multifamily projects. Projects that generate a greater need for
4 parking and that are located in places where the street cannot absorb that need -- for example,
5 because of proximity to the Alki Beach Park -- may be required to provide additional parking
6 spaces to meet the building's actual need. In determining that need, the size of the development
7 project, the size of the units and the number of bedrooms in the units shall be considered.

9 d. Parking impact mitigation for projects outside of downtown zones may
10 include but is not limited to:

- 11 i. Transportation management programs;
- 12 ii. Parking management and allocation plans;
- 13 iii. Incentives for the use of alternatives to single-occupancy
14 vehicles, such as transit pass subsidies, parking fees, and provision of bicycle parking space;
- 15 iv. Increased parking ratios, unless the project is located within the
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17 Seattle ((~~Cascade~~)) Mixed (S((~~C~~))M) zone, the Pike/Pine Overlay District, the University District
18 Northwest Urban Center Village or the First Hill Urban Center Village; and
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v. Reduced development densities to the extent that it can be shown that reduced parking spillover is likely to result; provided, that parking impact mitigation for multifamily development may not include reduction in development density.

Section 8. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 9. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2004, and signed by me in open session in authentication of its passage this ____ day of _____, 2004.

President _____ of the City Council

Approved by me this ____ day of _____, 2004.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2004.

City Clerk

(Seal)